

III. REMARKS

1. Applicant appreciates the Examiner's indication of the allowance of claims 30 -33 and other allowable subject matter. However, for the reasons set forth herein, Applicant believes the claims to be allowable in their present form.
2. Claims 1, 3, 4, 7 - 9, 14, 20, 21, 23 - 25 and 28 are not anticipated by Hosain under 35 U.S.C. § 102(e).

Claim 1 recites that the memory contains a "first switch-off code". The mobile terminal is adapted to receive a remote switch-off signal containing a "second switch-off code". As recited in claim 1, the "first switch-off code" stored in the memory and the "second switch-off code" contained in the switch-off signal are "identical", the processor is adapted to switch off the terminal. There is no such disclosure in Hosain.

Rather, Hosain discloses that if the processor executes a first instruction corresponding to a first disable command, the processor will disable the RF module 50 that the module can be enabled by the host controller. If the processor executes a second instruction corresponding to a second disable command, the processor will disable the RF module so that the RF module cannot be enabled by the host. (Col. 21, lines 27-44). This is not what is claimed by Applicant.

As claimed by Applicant, the terminal receives a switch-off signal with a switch-off code. If the received switch-off code is "identical" to a switch-off code stored in the memory, the processor can switch off the terminal. Hosain merely executes one of two instructions. One instruction that will disable the module so it can be enabled or another instruction that disables the module so it cannot be enabled. Col. 13, lines 39-66 merely teaches that there are at least two mechanisms for disabling RF modules. Hosain does not teach switching off the terminal if a received switch-off code is "identical" to a stored switch-off code. Thus, Hosain cannot anticipate claim 1. Claim

21 is similarly not anticipated. Claims 3, 4, 7 – 9, 14, 20, 23-25 and 28 are not anticipated at least by reason of their respective dependencies.

3. Claims 2 and 11 are not unpatentable over Hosain in view of Trommelen under 35 U.S.C. §103(a) at least by reason of their respective dependencies.

4. Claims 5, 6 and 29 are not unpatentable over Hosain in view of Morrison et al. under 35 U.S.C. §103 (a) at least by reason of their dependencies.

5. Claims 12 and 13 are not unpatentable over Hosain in view of Trommelen in view of Lee et al. under 35 U.S.C. §103(a) at least by reason of their dependencies.

6. Claim 15 is not unpatentable over Hosain in view of Jung under 35 U.S.C. §103(a) at least by reason of its dependency.

7. Claim 16 is not unpatentable over Hosain in view of Helle under 35 U.S.C. §103(a) because Helle is not proper prior art. Helle is commonly owned by the assignee of the instant application. Pursuant to 35 U.S.C. §103(a), Helle is not properly prior art, since it only qualifies under 35 U.S.C. §102(e). (Applicant's filing date: 19 March 2004, Helle's filing date: 9 December 2003).

8. Claims 17 and 18 are not unpatentable over Hosain in view of Ratert et al ("Ratert") under 35 U.S.C. §103(a), because Ratert is not properly prior art. Ratert is commonly owned by the assignee of the instant application, and only qualifies as a reference under 35 U.S.C. §102(e). (Ratert 22 July 2004). Therefore, Ratert does not qualify as prior art pursuant to 35 U.S.C. §103(a).

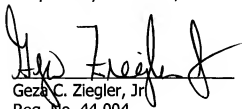
9. Claims 26 and 27 are not unpatentable over Hosain in view of Lee et al under 35 U.S.C. §103(a) at least by reason of their dependencies.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record,

and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,


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